

01-04-02

2152
PATENT #5



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BLAIR et al.

Serial No. 09/922,337

Filed: August 3, 2001

For: **MESSAGE DELIVERY SYSTEM
BILLING METHOD AND
APPARATUS**

) Group Art Unit: 2152

) Examiner: Unassigned

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CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service on this date December 21, 2001, in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EL 902870786US addressed to:

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C. Wilson

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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware pursuant to their duty of disclosure in accordance with 37 C.F.R. § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491. 37 C.F.R. § 1.97(b)(1) and (2).
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits. 37 C.F.R. § 1.97(b)(3).
- (d) ☒ as far as is known to the undersigned, is filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. 37 C.F.R. § 1.97(b)(4).

- (e) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of any of a final rejection, a notice of allowance, or an action that otherwise closes prosecution in the application, whichever occurs first, and is accompanied by either the fee set forth in 37 C.F.R. § 1.17(p) or a certification as specified in 37 C.F.R. § 1.97(e), as checked below. 37 C.F.R. § 1.97(c).
- (f) ☐ is filed after the mailing date of any of a final rejection, a notice of allowance, or an action that otherwise closes prosecution in the application, whichever occurs first, and is accompanied by the fee set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. 37 C.F.R. § 1.97(d). This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (e) or (f) are checked above, the following "certification" under 37 C.F.R. § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.



A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith:

☒ each ☐ none ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO form 1449 are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. _____ filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

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A concise explanation of relevance of the items listed on PTO-1449 is:

- ☒ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s) [Required]
- ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.


Pursuant to 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made. Furthermore, pursuant to 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in this statement is, or is considered to be, material to patentability, as defined in 1.56(b). The filing of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication or credit any overpayment to Deposit Account No.04-0822.

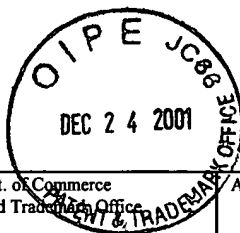
Respectfully submitted,
DERGOSITS & NOAH LLP

Dated: 21 Dec. 2001

By: 
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Sheet of 1 of 2

FORM PTO-1449 (Rev. 7-80)	U.S. Dept. of Commerce Patent and Trademark Office	Atty. Docket No: 366.04	Appl. No: 09/922,337
LIST OF PRIOR ART CITED BY APPLICANT		Applicant: BLAIR et al.	
(Use several sheets if necessary)		Filing Date: August 3, 2001	

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U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Name	Class	Subclass	Filing Date
	6,144,946	11/07/00	IWAMURA	705	30	02/25/97
	6,119,152	09/12/00	CARLIN ET AL.	709	217	11/25/98
	6,119,109	09/12/00	MURATANI ET AL.	705	400	09/24/97
	6,119,108	09/12/00	HOLMES ET AL.	705	40	10/01/98
	6,052,671	04/18/00	CROOKS ET AL.	705	34	04/06/99
	6,032,133	02/29/00	HILT ET AL.	705	40	11/03/95
	6,016,509	01/18/00	DEDRICK	709	224	01/09/98
	6,014,641	01/11/00	LOEB ET AL.	705	34	12/11/96
	5,991,746	11/23/99	WANG	705	40	02/05/97
	5,986,690	11/16/99	HENDRICKS	348	7	11/07/94
	5,978,780	11/02/99	WATSON	705	40	11/21/97
	5,949,875	09/07/99	WALKER ET AL.	380	4	10/16/96
	5,898,777	04/27/99	TYCKSEN, JR. ET AL.	380	4	03/07/96
	5,887,060	03/23/99	RONNING	380	4	07/14/97
	5,864,604	01/26/99	MOEN ET AL.	379	88	01/06/97
	5,845,262	12/01/98	NOZUE ET AL.	705	26	07/09/96
	5,845,073	12/01/98	CARLIN ET AL.	395	200.47	04/18/96
	5,835,580	11/10/98	FRASER	379	115	04/04/96
	5,825,883	10/20/98	ARCHIBALD ET AL.	380	25	10/31/95
	5,768,521	06/16/98	DEDRICK	395	200.54	02/02/96
	5,737,414	04/07/98	WALKER ET AL.	380	4	05/20/97
	5,727,156	03/10/98	HERR-HOYMAN ET AL.	395	200.49	04/10/96
	5,703,951	12/30/97	DOLPHIN	380	25	06/07/95
	5,694,546	12/02/97	REISMAN	395	200.9	05/31/94
	5,539,735	07/23/96	MOSKOWITZ	370	60	12/28/94
	5,530,520	06/25/96	CLEARWATER	355	201	12/15/94
	5,050,213	09/17/91	SHEAR	380	25	08/06/90

